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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JOSE A. MARTINEZ,
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11 Petitioner,

12 v.

13 TIMOTHY WENGLER,
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15 Respondent.

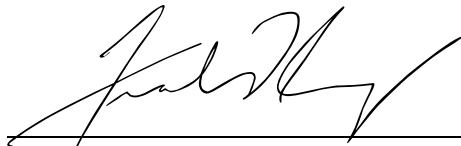
Case No. C08-5144FDB

ORDER DENYING MOTION FOR
RECONSIDERATION

16 This Court on September 30, 2008 adopted the Report and Recommendation, concluded that
17 the Petition was not filed within the one-year limitation period, denied pending motions as being
18 moot. Petitioner now moves for reconsideration on the basis that the Court addressed none of the
19 grounds for his petition. Petitioner's motion lacks merit and will be denied. The limitation period has
20 passed, and this Court may not, therefore, address Petitioner's contentions.

21 ACCORDINGLY, IT IS ORDERED: Petitioner's Motion for Reconsideration of Writ of
22 Habeas Corpus [Dkt. # 23] is DENIED.

23 DATED this 24th day of October, 2008.

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FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE